583[1] not forget that we are speaking of a young man who has not yet re-
604 ceived a wife in his own clan.)

1) The uncle has priority rights if he has only one wife, even if she is the nkita of the nephew's mother. If that wife cannot live in peace with her husband, however, and if she is always trying to break up the marriage and go to another man, the husband's family can itself intervene and assign the wife to the nephew, if the couple love each other. By this means they try to prevent her from going elsewhere; it is preferable that she remain within the kin group. For if the marriage is broken and she leaves them, the family becomes involved in a long restitution process, [135] giving rise to numerous difficulties and to an end of revenue -- if that expression can be used -- from bride-price valuables.

2) If his uncle has two wives, the nephew can claim rights only over the one acquired by means of his own mother's bride price. The exception cited under item 1) holds even more true in this case.

In the two situations cited above, however, the family tries to appease the nephew by assigning to him the expected bride price of a female cousin. They do not yield to his demands unless no other solution is available.

3) If his uncle has several wives (four, five, or more), the nephew has the right to take one of them, if none of them were acquired by means of the bride price paid for the uncle's sister, that is, the nephew's mother.

583[x] If any of these eventualities materialize, the nephew is re-
604 quired to leave his father's clan (wisé) and to enter his mother's family
●428 (bonyangé). Actually, he is not averse to doing so. For we may suppose that in his father's kin group he has neither wealth nor future, while in that of his uncle he finds all he needs. He is considered his uncle's own child, and even has seniority over his cousins. He is their father (isé) and consequently has precedence over them; and he can succeed his uncle as family patriarch. Moreover, upon his uncle's death he always inherits one of his widows and becomes the first -- and often the only -- successor after the brothers of the deceased. (1)

1. This inheritance right is valid even if he continues to live in his own clan, in which case, however, it is impossible for him to become the chief or only heir.

## Article II. Marriage by Inheritance

587
428 This form of marriage is called lifia jă lisangŏ or simply lisangŏ. The meaning of lisangŏ is "inheritance," from the verb sangol, "to inherit." The word is used in the broad sense and is applicable to any object.

The death of a husband does not in itself free his widow. She remains bound to the deceased's family.

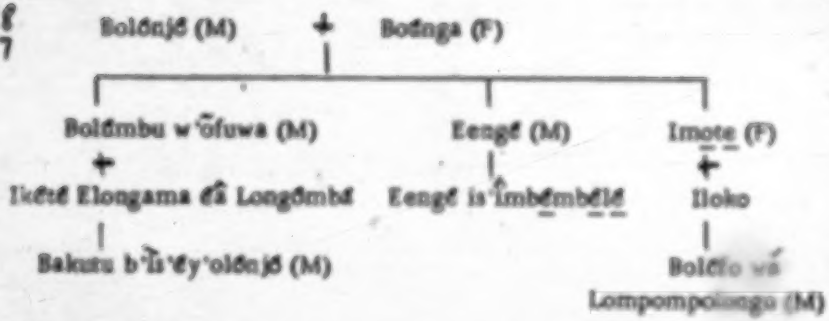
After the celebration of the end of mourning, the widows of the deceased, required to abstain from all sexual relations until that time, go back to their respective families. During the last period of mourning they have already had the opportunity of being courted or of resuming their relationships with their former lovers, whether or not they are relatives of the deceased husband.

A person wishing to marry the widow must address himself to her own family. Therefore, except in the case of the bosŏlŏ, to be discussed in the article which follows, the distribution of wives among the heirs cannot be considered as a distribution [188] of persons as such. Rather it is a division based on the valuables which these persons represent. Theoretically, the wives are inherited by the brother of the deceased, but other relatives, especially nephews, may have partial or total rights over one or another among them. (1) These

1. See Chapter II, Article IV, 3, as well as Article X.

rights are based on the source of the bride prices by means of which the wives were acquired. We have already touched on this subject in the preceding chapter in relation to certain relatives. Still other situations may arise, but instead of going into a long discussion I shall explain them by giving two case histories.

●428 587



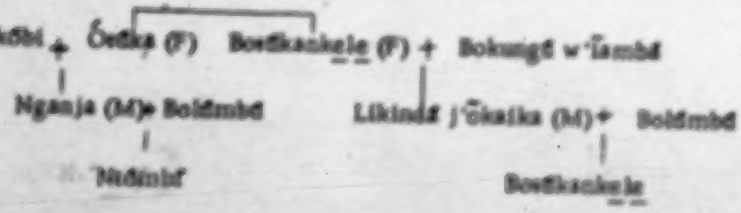

Imote of Eleke (Bongili), one of the Lokongo clans, married Iloko of Imomo (Bongili). With valuables received from his mother's family their son, Bolɔ̃fo, married three women: wɛ̃ngi, Bosɔ́, his favorite, and a slave from Bolakɛ (wɛ̃ngatɛ). When he died, his widows went to the Eleke clan which was the source of his wealth. Two claimants appeared: Eengɛ́ (first cousin of the deceased but in Nkundɔ́ terminology his son) and Bakutu of Bokenda (Beɔmbɛ́) also a first cousin, and considered one by the Nkundɔ́. They were to divide the widows. But both of them chose the deceased's favorite and quarreled over her. In the end she was assigned to Bakutu who was the "father" of his rival and the "elder brother" of the deceased. The slave also went to Bakutu, (2) while Eengɛ́ had to be satisfied with the

[601]

2. Who yielded her to Ikɛ̃ndɔ́ y'ɛ̃ngamba of Eleke.

first wife. But he and his clan retained a right over these women and their [196] progeny. This is rather an old case; in fact two grandsons of Bakutu and Ikɛ̃ndɔ́ respectively, whom I know very well personally, are now between fifty and sixty years old.

The following is a more recent example:



●429 587 Two sisters, Osɔ́ka and Bosɔ́kankele of Ikengo, Ntómbɔ́ (Wángatɔ́), were married respectively to Ekɔ́bɔ́ of Likɔ́ala (Besombɔ́, Bombwanja) and Bokungɔ́ of Bombénga wá Ikolé (Besombé. Nganja married Bolómbɔ́ of Ilómbo (Bonkoso). When Bolómbɔ́ became a widow she was inherited by Likɔ́ndɔ́, the first cousin of the deceased on his mother's side, so that the patrimony would not be scattered. She gave Likɔ́ndɔ́ a daughter, Bosukankele, whose bride price he used to get himself a wife, Bombɔ́la (Teresa), daughter of Ilito of Bolóngɔ́ (Bongíli). At Likɔ́ndɔ́'s death the rights returned to Ntombɔ́ (Joseph) in the person of the widow Bombɔ́la, the nkita of his uterine sister.

587 428 589* If the legitimate heir, or some other close relative of the deceased, wants to marry a widow, he consults the head of the family and then goes to the woman's parents and gives them bekooli (1),

1. The plural of the noun derived from the verb koola, "to seek, to take for someone," hence, "objects in order to go and take someone."

which consists of 1 to 3 copper rings, added to the amount of the bride price. This gift shows the suitor's respect for the woman's family. (2) If after a time the woman no longer wants to stay with

2. In addition to this native interpretation another may be given which is more profound and of a legal nature. This will be done further on (Article IX).

him, but loves another close relative, the latter also brings his bekooli. This is expected of him even if the woman has not gone home in between, but has gone directly from one man to the other.

[931] [191] The bekooli of the first man are then returned.

If the new husband is only distantly related to the deceased, (1)

[601]

1. In that case he is called ɛ́ɛtɔ ɛ́ɛ́ mɔ́ngɔ́, literally "relative from the summit," as against ɛ́ɛtɔ ɛ́ɛ́ ɛ́ɛ́lɔ́, "relative of the base," therefore a close relative.

against ɛdto ɛ̂ ntsîna, "relative of the base," therefore a close relative.

he must not only bring bekooli to the woman's parents but also give a bompîngɛ̂ called nsăsangɔ́ or bosangɔ́jwɛ́ a goat, a dog, or 5 to 10 copper rings, depending on the circumstances) to the heir. This is not part of the bride price, which is a payment to the woman's family. It is a gift intended to assuage the feelings of the heir and to secure or strengthen his good will. It is equivalent to a request for permission to cohabit with this woman and to profit by her work.

Thus we must distinguish between two types of marriage by inheritance:

1) The new husband and heir belongs to the immediate family of the deceased; he is ɛdto ɛ̂ ntsîna -- a son, brother, uncle, nephew, or cousin.

2) The new husband and heir is distantly related; he is ɛdto ɛ̂ mɔ́ngɛ́.

In the first instance the marriage is considered fairly stable and difficult to break, but nevertheless more easily dissolved than a marriage by nkumbɔ́. With how much difficulty it is dissolved depends on the degree of kinship. The reason given by the Nkundɔ́ for the greater ease with which such a marriage is broken is that the heir-husband did not himself pay the bride price; he only received the woman from someone else. Thus, if he no longer wants her, he justifies sending her away by saying, "It was not I personally who paid your bride price." For her part, the woman will invoke the same reason, mutatis mutandis. In all other respects the union is like a marriage by nkumbɔ́. Therefore, [192] when the woman leaves her husband the term kɔ́fa is used here as in the case of a marriage by nkumbɔ́.

The second type of marriage by inheritance is clearly different from the first. The new husband is not a husband from the legal standpoint; he is only a husband in the improper sense, physically. In spite of the nsăsangɔ́ paid by the common-law husband, the legitimate heirs, hence the close kin of the deceased, especially the relative who was entitled to the woman and to whom she was given when the

471/587/428 inheritance was divided, remain her masters. This is apparent from all the consequences resulting from the situation:

1) Children born of the union belong, not to their natural father, but to the owners of the woman, the bankólé. They are the ones who will eventually consent to the children's marriages and receive their bride prices. They alone have the right to give the [553] children a name.

2) The man functioning as husband has only partial rights to the results of the woman's activities. Thus, if she finds a treasure buried in her field, captures a fleeing slave, or finds any valuable object that has been abandoned or lost and whose owner is not known, such as, for example, rings, objects of worked metal, elephant tusks, etc., these will not belong to her husband, as they would in a marriage by nkumbó, but to the masters. The latter are also entitled to a part of the fruits of her labor: fish, caterpillars, and even food she has prepared.

3) If, on some occasion or other, the new husband wishes to make a gift or a payment to the woman's family, he has to request the intervention of the husband-owner. He therefore asks the latter to accompany him, saying: ótdaké likílé, "make me acquainted with my parents-in-law; introduce me to them." They go there with the ndonga.

428/587 It may even happen that the bosóngo has not been paid yet and that the common-law husband has the slave [193] or the equivalent valuables needed for the payment. With the permission of the owner and accompanied by the ndonga he may make this payment. Nevertheless, he obtains no additional rights over the woman.

If one day the woman returns to the immediate family of the deceased, who are her "masters," the latter must make restitution to the common-law husband for these supplementary valuables and for all the payments he has made. If any stranger marries her by nkumbó, the entire bride price is returned to the heirs of the deceased, who must reimburse the man who has acted as her husband for all the bride-price payments he has made.

428 587 This practice of ndálaka likílɔ́ is not without disadvantages. It may be feared that the heir deny that the payments were made and refuse to reimburse the man for them. His refusal is facilitated by the fact that the ndonga involved is the same one who participated in arranging the marriage agreement. Thus, there is a tendency to omit the practice.

Note that the expression ndálaka likílɔ́ is not applied only to this situation; it is also used in the obvious sense -- for instance, when the man is simply to make the acquaintance of the woman's [431] family without presenting any payment (though of course it is in- [574] conceivable that such a visit would be made without bringing presents), or in the case of a man who wants to be united with a relative of the wife of one of his relatives or friends.

[431] 4) Any presents given by the woman's family to the common-law husband, for instance during a visit or for a service rendered, etc., do not belong to him; by right they go to the heirs. If the latter are kindly disposed toward him, they will allow him the usufruct of a portion of these goods, but he has no right to them strictly speaking.

429 586 587 5) If the woman breaks this union the verb used is not -kɔ́fa but -kumbwa, "to be taken in [194] marriage." If she returns to a close relative of the deceased, that is, to one of his bankɔ́lɔ́, the Nkundɔ́ say that "she has returned to her husband," aɔ́lut'ɛ́ka bɔ́m'ɔ́kaɛ́. For his part, the man who has taken the woman in common-law marriage may repudiate her at any time. He says to her: kendá ɛ́ka baɔ́m'-ɔ́kɛ́, emí ntsíkwɛ́ngáki, "go to your husbands; I did not pay your bride price." The valuables he has given as nsásangɔ́ will be refunded.

6) Lastly, if the woman dies while living with this man, he has to pay an indemnity (-foma mbálaka), usually a slave or its equivalent, to the legitimate heirs.

428 587 Thus the second type of marriage by inheritance has none of the characteristics of a legitimate Nkundɔ́ marriage. The husband has only the enjoyment of the woman. Only the heir of the deceased may truly and legally call her his "wife." Usually a woman involved in such a union is called the heir's "thing" (yɔ́mba). The heir is called her "owner," her "master," and the term "husband" is reserved for the man who cohabits with her.

428 587 581 Because of all these obvious differences, the Nkundó tend to consider this second type of union nonmarital. It resembles actual marriage only externally; in the final analysis, the difference is fundamental, since it has none of the specific properties of a marriage. Therefore such a union is not a marriage, but a continuous concubinage.

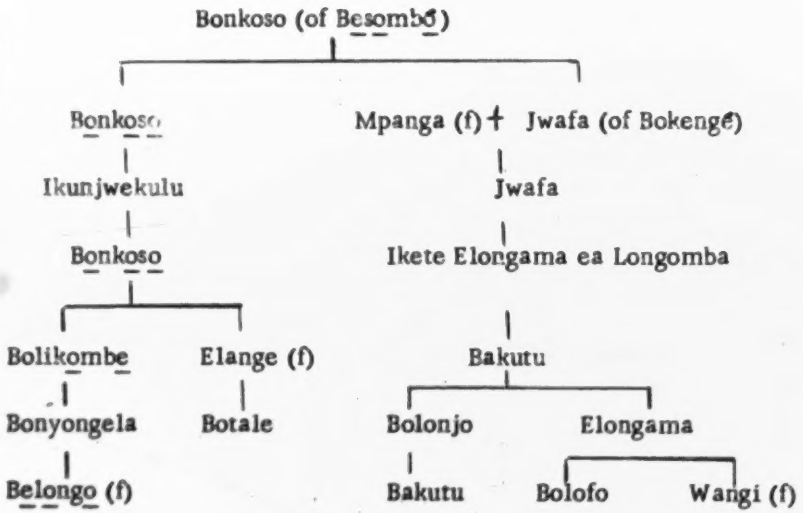
A man who cohabits in this manner with a woman for whom others have paid the bride price is often the object of humiliating allusions. He is treated as nkolasangó, "inheritance taker" (that is, of inherited women). If a woman involved in the type of union described quarrels with one who has been "bought" in the regular manner, the latter will sometimes clap her hands (-foma losáka) to indicate her superiority. That is why such a woman is sometimes called wáɪr ôâ fomalosáka in contrast to the other. [195]

[197] Present-day circumstances make all this even more clearly apparent. Nowadays, even pagan natives almost everywhere are aware of the intransigence of the Catholic Church on the question of the indissolubility of a marriage which has been effected through the religious ceremony. For this reason the "masters" of a woman who is legally theirs but who is actually living with another man in the manner described, will not permit her to enter into a religious marriage with this man unless he pays the bride price.

Therefore we may consider the type of union described above a concubinage which does not satisfy the moral conditions for a true marital union. As to the first type of marriage by inheritance, namely a union with a close relative of the deceased, the question is more complicated; but it is my opinion that such a marriage is valid from the moral standpoint. I hope, however, that in order to attain greater certainty on this point, others will re-examine the case in the light of the various aspects of the solution that have been presented.

The following historic case pertaining to individuals whose genealogy appears below will illustrate the preceding discussion:

428
587
581




Elongama (the younger ) married Ikɔ́kɔ́ of Bongíli, daughter of Bolékélá wǎ Nkunja and Tɔmpɛ́nda. After his death, his widow was taken as inheritance [196] by Bonyongela, to whom she gave a daughter, Belɔ́ngɔ́. Bakutu (the younger) and his first cousin Bolɔ́fo were the ones who disposed of the daughter's bride price and were responsible for the marriage palavers; her father, Bonyongela, (since deceased) and his brother, Bonkoso, were not. Out of kindness, Bonyongela was given 18 rings. Bolɔ́fo added the other 30 to his sister Wǎngi's bride price to obtain his wife Iɔ́ngɔ́ (of Likolí, now deceased). After x number of years, Ikɔ́kɔ́ left Bonyongela for Botálɛ́, a sister's son who, being a close relative, gave no nsǎnsangɔ́. That which had been paid by Bonyongela was returned to him by Bakutu, since the union was broken. Five years later, Ikɔ́kɔ́ left Botálɛ́ with whom she was dissatisfied because he was lazy and did not bring her enough game, clothing, etc. She went to live with Ilumbɛ́ of Ngombe Mbálanga (Bongíli), who was a distant maternal relative and therefore gave the prescribed nsǎsangɔ́.

Another instance turned up recently (May, 1933). One of our Christians, Babolá Michel of Ianda (Bonkoso) wanted to take a wife.

428 He had set his heart on Bolúmbú, daughter of Ntando éy'ilengu of
587 Bofalambóka. Upon the death of Bolúmbú's husband, Esalé éâ
581 Lonkongá, (in 1926), she had been asked for by Bombóngo, a distant relative of Esalé. Proceeding in the customary fashion, Bombóngo had made his request through the medium of his elder brother Engambí and had paid a bompángá of 4 bakonga and 20 francs. In the meantime, Babolá reached adulthood; he left our school and returned to his native village. Being a true nephew of Esalé éâ Lonkongá, he had a direct right over this woman, who left Bombóngo. Since the latter protested, however, the priest was faced with a moral problem; the question was whether or not there was a real marriage between Bombóngo and Bolúmbú. If there were, there would be no question of a marriage between Babolá and Bolúmbú, since the Church could not break a valid marriage between Christians. I have said above that a union of the sort involved in this case is not, in Nkundo eyes, a typical marriage. However, I wanted to have every assurance and to be as certain as possible. To that end, I went to Bonjoku at the time of the tax collection. I found many men gathered there. I raised the question of marriage by inheritance. The discussion ended on the unanimous expression of the opinion that in the instance involved nothing opposed the new marriage. The men gathered there added that all similar cases are rather a sort of concubinage accepted by ancestral law, but lacking all characteristics of a true marriage.

In order to avoid the many disadvantages inherent in this second form of marriage by inheritance, the husband, if he has any wealth, will do everything he can to collect the valuables needed for the bride price and pay his father-in-law. The latter will use the bride price to reimburse the heir. By making this payment, which is handed over through a new ndonga designated by him, the husband obtains complete possession of the woman. The marriage by inheritance than changes into a marriage by nkumbó. The besangójwá which the husband had previously given the heir must be returned, and the heir's ties with the woman are broken by these formalities.

[579] It sometimes happens that the heir takes a very dim view of this new payment and takes offense. In the past a war, through illegal, could result -- after which, as always, the matter was settled just the same.

428 587 581 On the other hand, it also happens sometimes, and even quite often, that although the woman loves her "husband" (in the improper sense) she does not want any change. At heart she remains attached to the kin of her deceased husband, through her love for him or because of her affection for his family, who have always treated her well. It is not unusual for the common-law husband to encounter unalterable opposition to a regular marriage. The woman may [198] [578] even take such offense at the proposal that she will leave the man for a close relative of the deceased.

In this type of situation another sort of development may also occur, although it is quite rare. For example, there is the case of Lowâka, daughter of Bompûkû of Bontole. After the death of her husband, Botûna of the Basêka Ilûka (Lofelï), she was taken in marriage by one of his relatives, Nsenge, who gave the prescribed besangójwá to Imomo of Bofalambóka, Botûna's bonankáná. After a certain time Imomo, who had had a slight palaver with Nsenge, did not want the situation to continue. He demanded a regular marriage so that he could make use of his rights to Lowâka's bride price. Nsenge agreed and paid 60 bakonga to the woman's parents, who reimbursed Imomo. Imomo returned the besangójwá he had received, and thus Lowâka became the true wife of Nsenge.

One can see that the gamut of individual variations comes into play here, depending on the temperament and the feelings of the persons involved. But the most common practice is for the widow to remain attached to the family of the deceased or to remarry in the prescribed fashion.

In the latter case the widow goes to a man who is not related to the deceased, either immediately after mourning or after a period of conjugal life with the heir. The latter is entitled to a reimbursement of the bride price. The new husband must make all the customary payments through the medium of his own ndonga, exactly as he would for a first marriage by nkumbó. Consequently, this union is not considered a "marriage by inheritance," with which it has nothing in common.

428 587 431 In any marriage by inheritance -- that is, where no bride price payment is involved -- the husband, whether he be the heir or

428 587 431 simply a relative of the deceased, must give the woman a present called isangɔ́, or inheritance gift. The woman either hands this gift over to her family or keeps it for her personal needs. In any case [199] it is not considered a part of the bride price.

Finally, when a widow remarries, either by inheritance or by a new nkumbɔ́, her husband must make her a present of one or two rings or knives of equivalent value before having conjugal relations with her. This present is given either on the same day as the isangɔ́ or on another, depending on the circumstances. It is called boángá, "couch," or, more commonly, ikondeyantangɛ́ (from -kondeya, "to make someone get on," and ntangɛ́ "bed"). It is a gift of consolation for widowhood. This gift of ikondeyantangɛ́ is probably what Engels referred to in his study on the Wǎngata we have already cited, when he spoke of "buying off mourning."

428 587 An examination of marriage by inheritance shows that the widow is free to remarry a man of her choice, whether he be the heir or another relative of the deceased or some stranger. The only exception is a woman who has been willed to someone by the deceased. (1)

> 1. The Nkundɔ́ scrupulously observe the stipulations of a will (boango or bowâko) because they fear the vengeance of the deceased. When a person expresses his last wishes he usually adds the threat, "If you don't carry out my wishes, you will follow me in death."

If the heir subsequently does not fulfill his obligations toward her, she can react the same way as in a marriage by nkumbɔ́. As for the special case of the bosɔ́lɔ́, we will deal with it separately.

Another law may be deduced from the facts observed: as long as no new bride price is paid, the woman continues to belong to the family of the deceased. Only a restitution of the bride price breaks the contract and destroys all its consequences. (2)

> 2. We will come back to these points in Article IX, and in Chapters VIII and IX.

428 587 Lastly, these facts demonstrate collective ownership within the clan or the extended family. When a close relative, such as Bosɓilɓ for instance, marries a widow, he considers her legally as his legitimate spouse, just as she was the legitimate spouse of the deceased. [200] No new bride-price agreement is necessary, since the preceding one continues to be valid. The only new element introduced is that another person in the family of the deceased enters into a marriage bond with the widow. Whether the person marrying the woman is the legitimate heir or a close relative makes no difference because of the community of interests that exists (the children belong to Bosɓilɓ as much as to the heir, for example). (1)

1. We will come back to this question further on (see Article IX).

837 Because of the superficial resemblance between different situations, it should be mentioned here that the enjoyment of a woman in a common-law relationship is not asked for exclusively in the case of a widow. Such a request may also be made in connection with the wife of a polygamist while the husband is still living, but this is done only by a close relative and even then is not well regarded. Usually the situation is as follows: a man falls in love with one of the wive's in his relative's harem, and she shares his sentiments. He takes her home with him. There is a palaver. The husband is furious, breaks of all relations with the seducer, and wants no more of his invitations or his gifts, which means the quarrel is serious. Therefore, other relatives intervene to try and reconcile the two adversaries; seeing that there is no way to prevent the cohabitation of the pair or judging that such action would not be expedient, they try to pacify the legitimate husband. Through the agency of his elder brother, the lover sends him a gift in entreaty. The husband, finding no one on his side, bows down before the fait accompli, accepts the gift (bompáŋgá), and yields the enjoyment of the woman. Instead of going about the matter in this cavalier fashion, the lover may also make his request in the normal manner. If for one reason or another the lovers want to stop living together, they separate without further

837 ceremony. If the husband is kindly disposed toward them, he gives back to his relative the valuables the latter has paid, and the incident is closed. [201]

That is what happened some time ago to Insflo, of Bokenyola (Bonjoku). (1) In the harem of his maternal uncle, Efonja Is'Ôfuwa,

1. Now chief of the Bonkoso.

who was originally from Bonjoku but had been integrated into the Bongale, he had noticed a certain Mbilɛeyenga, originally from Bosɛɛ, and "his heart was rent asunder," as the Nkundɔ say. Through the agency of his older first cousins Mpetsɨ ɛâ Lingomo, ye sent Efonja a bompɛngɛ of 6 rings, asking him to be kind enough to allow him to cohabit with this woman. His request was well received. But after a certain number of years their passion cooled, and Insflo wished to contract a proper marriage to give himself posterity. He therefore parted from Mbilɛ, who went back to her husband. The latter returned the 6 rings to Insflo, because he did not want to enrich himself at the expense of a relative.

## Article III. The Bosɔlɔ

●428 587 768 The marriage of a bosɔlɔ is a special form of the inheritance of women.

The term bosɔlɔ is used everywhere. The Injɔlɔ also use a synonym, njɛmɔ, an incorrect term derived from the verb ɛmola, "to make [someone] get up." Thus they say ɛmoja bɔna njɛmɔ, "to give the child (son, daughter) a bosɔlɔ. (2) Among the Beloko and their

2. The Elanga tribes in the Losanganya region also use this expression.

Elɛngɛ the term bombɔjɨ is used as well as bosɔlɔ.

On the day when the widows are "lifted from the ground" and

428 permitted "to return to the bed," (3) all those entitled to the rights
587
768

3. See "Les Coutumes funeraires des Nkundo" [The Funeral Customs of the Nkundɔ] (in press, Anthropos). The Elɪngɛ perform this ceremony only a few days after the burial; the Boangi do so even before it. The Injolɔ are beginning to imitate the Elɪngɛ.

of a father -- that is, those who have precedence, whether men or women -- gather with the sister's son to proceed with the ceremony. As always, each person yields his right to speak out of mutual respect. Finally, the eldest again has the floor [202]; it may be the deceased's father, brother, or paternal aunt (isɔmoto). This individual who is in charge, makes a short speech appropriate to the occasion, and then gives one of the widows to the first-born of the children (nsɔmf). He takes the latter's preferences into account, having made sure of them in advance. The widow is given to him with the statement: "We have wrested for you the bosɔlɔ which your father has left you," tɔkokumela bosɔlɔ bɔkɪ isɛ okotsɪkɛlɪkɛ. The actual meaning of kuma is "to seize by pulling toward oneself, to pull up," and includes the idea of strength. The word is primarily used in such expressions as kuma baflo, "to pull up weeds," kuma nsɪlɛ, "to pull out feathers," etc. But it is also employed whenever anything is taken or pulled forcefully toward oneself, as in kuma mbombo, "to pull a chikwangue out of a heap."

The bosɔlɔ is always given to the first-born, regardless of sex, to the exclusion of the other children. If the eldest is a girl, she passes the bosɔlɔ on to her brother, first-born among the boys. This is a real seniority right, and it must be bought, or rather paid for, by the brother by giving his sister a present which most frequently consists of hens, money, small useful objects, or often a quantity of beer. The same rule applies if the eldest yields his right to a younger brother because the latter is passionately in love with her or -- nowadays -- because he does not want to take a second wife.

428 768 587 In addition a bɔ́sɔlɔ́ is also given to the bɔ̌nankáná. Only the eldest son of the sister whose bride price was used by the deceased may claim this right. If the bride price of the nephew's mother was not involved in the establishment of the harem which is to be divided, he is only entitled to a bosɔ́lɔ́ who is not someone else's nkíta, that is, who was acquired by means of riches procured through the deceased's own efforts. If the deceased obtained wives with the bride prices of two sisters, both of whom have left sons, only the eldest son of the eldest sister has this right. (1) [203]

> 1. It may happen that one of the sons of the deceased is disinherited because of the rights of the bɔ̌nankáná. If that happens and the latter at least has a wife or can obtain the necessary valuables in his father's clan, he is supposed to yield the woman to his unfortunate cousin. This is a duty imposed by the love of family (liɔ́ta), and he may not evade it.

The practice of handing over a bosɔ́lɔ́ to relatives other than the son or daughter of the deceased seems to be an extension of a right originally reserved for his child.

The desires of the person entitled to the bosɔ́lɔ́ are taken into account when she is handed over. However, the eldest son can never obtain his father's favorite; only an elder brother may inherit her.

It is thus possible for a son to receive his own mother as bosɔ́lɔ́, but only if there are no other widows and if he has no way of obtaining a wife. Naturally, he may not marry her. She is given to him so that when she remarries he will receive the amount of the bride price which will be repaid.

If the deceased leaves no harem but does leave a good deal of other wealth, the bosɔ́lɔ́ consists of some object of great value. This practice would seem to indicate that the word bosɔ́lɔ́ is applied to a woman only by an extension of its basic and original meaning, "inheritance by right of seniority."

428
168
587

As soon as the bosólɔ́ is assigned to the person entitled to her, she leaves the group of widows and goes to the home of her new husband. From then on she may cohabit with him, since from that moment the pair are absolved from the observance of the regulations and prohibitions of mourning. Because of her affection for her deceased husband and her sorrow, the woman sometimes begs her new husband to be patient and wait a while. Her wishes are respected, for a refusal to acquiesce would be a very serious offense, which could lead to an immediate rupture of the relationship.

The woman chosen as bosólɔ́ may refuse the husband for whom she is intended, though such cases are rare and in the past were even unknown. The following instance [ 204] goes back to 1932: Mpia of Mbanja "acquired" Bɔ̂ngongo of Ilɛ́ngɛ́ as wife for his eldest son, Bompelɛ́. But the young man did not want her. So as not to waste his money, the father incorporated the woman into his harem. When the old man died, Bɔ̂ngongo was given to this same Bompelɛ́ as a bosólɔ́. This time it was she who did not want him, and, to make matters worse, all the other widows also refused. Subsequently, a second cousin of Bompelɛ́ named Bosɛ́njɛ́ wanted to marry Bɔ̂ngongo. But out of spite, Bompelɛ́ did not want to yield her to him except against the payment of a bride price.

Even if the woman makes no objection -- and she generally does not -- and accepts the new husband without loving him, either out of indifference, or to be able to come out of seclusion, or for any other reason, she may always find a way to leave him, if she wishes, for another close relative whom she prefers. This fact indicates that, although theoretically the union of the bosólɔ́ is supposed to be more stable than a simple marriage by inheritance, in practice it is not; and it does not attain the degree of permanence characteristic of a marriage by nkumbɔ́. The reason is probably to be found in the fact that the union with a bosólɔ́ and the ordinary form of marriage by inheritance are fundamentally identical, and the rights of the family play a great role in both of them. The following is a recent case history: Ifungɛ́, daughter of Esukɔ́lu of Bongangɛ́ (Bɔɛ́ndɛ́) and widow of Bolɛ́kɛ́lɛ́ of Bongíli was assigned as bosólɔ́ to her husband's eldest son, named Boongo. Later she claimed that she did not love Boongo but

[891]

that she wanted to become the wife of his brother Ekamba. Ekamba did not object. But very soon she broke this union as well. This time the chief decided she was going too far and to please Boongo, who had settled with his mother's clan of which he also was a member, he sentenced her to several weeks in prison. All sensible people approved of the chief's attitude. In spite of the suppression of such excesses, a suppression which is necessary, the woman's freedom is protected.

We have already indicated that from a moral point of view the marriage of a bosélé may be considered on the same level as the inheritance of any woman if she remains among the close kin of the deceased. The only difference is that such a union is somewhat more difficult to break.

## Article IV. The Replacement or Substitution

When a marriage is broken, instead of completing the divorce by restitution of the bride price, the woman's family often has recourse to the practice of replacing the divorcée by one of her relatives (such as a sister, cousin, or niece). The act of replacement, as well as the woman substituted, is called bankitsɛ. (1) This name is plural noun de-

1. The Ekonda say ekitsɛ.

rived from kita, "to become," kitana, "to replace, to succeed." The singular would be linkitsɛ, but it is never applied to this situation.

The substitute usually does not object to the social obligation that falls upon her, unless she feels an unusual repugnance toward the husband. In that case an attempt is made to find someone else in the family. A family may go so far as to take one of its members away from her husband in order to substitute her for the divorcée, especially if no other substitute is to be found and if they care more about the marriage that has been broken than about her union.

The Nkundó give the following justifications for the practice of substitution:

582 whose bride price will fall to him, is only three. At that age, she
583 is married. The children's father is in a hurry to use the capital he has received, small as it is, rather than to let it lie unproductive and run the risk of losing it one day for some reason or other. Therefore, he uses it to obtain a wife, often a child, for himself or his brother. Thus the boy is deprived of the means which would enable him to establish a home when he attains adulthood. He will have to wait till he can acquire new wealth, either through his own work, or thanks to the assistance of [237] various relatives, or through the death of his father or his uncles, or -- frequently -- from the bride price of a daughter to be born to his sister's nkita. In the last instance, which formerly occurred very often, he was obviously forced to wait many years. Thus in the example cited in Chapter II, Article X, had the events occurred a few decades earlier, Bakutu would have had to wait for the bride price of his cousin Wangi, who was a good twenty-five years younger than he. If he had then been given the first part of the bride price, he would probably still have had to wait over ten years before becoming a husband in the full sense of the word, because the lisalé would have been used for an engagement with a very young child. More probably he would have been considered too young; the bride price would have been used for the benefit of another, and he would have had to wait another indeterminate number of years. Once the practice of marrying girls when they are small children is accepted, there is no other way out; everything is linked, and the result is inevitable, given the mentality of this society.

582 The elders' power to act in this way to their own advantage
• 421 stems from the collective nature of the people's inheritance system
583 (Chapter II, Article X and XI, 3, B). A bride price goes to the family; the right of the individual members is not personal or exclusive but is derived from their position in the hierarchy within the group.

Nevertheless, the fact that a man may claim priority to the bride price of his uterine sister over a brother born of a different mother seems to indicate that he originally held the chief rights to these valuables. The exercise of this right is postponed, and the concomitant transfers result.

582 We have spoken of the unproductivity of the bride price.
583 This is a Nkundó notion, and it is accurate only because the old men want to satisfy themselves before their sons. Actually, they could very easily reconcile their desire that the bride price should be productive with the aspirations of the youths, at least in many instances. All they would need to do would be to use the valuables they have received for their sons' benefit by acquiring girls of the same age for them. The productivity of the valuables would not diminish [238] in the least, of course, since the goods would remain in the family. On the contrary, it would be increased because a greater number of progeny would probably be born. But our natives [492] knowledge of physiology does not seem to be sufficiently developed [91] for them to come to this conclusion. And even more probably their egoism has greatly clouded their intelligence and silenced the voice of good sense and fatherly love to make it possible for them to multiply the number of their wives and thus increase the easy satisfaction of their sensuality, augment their wealth, and reinforce their social position. It will be their sons' turn after their death.

561 This situation is aggravated by the fact that, except for the
• 928 bonfio, the brothers, not the sons, of the deceased inherited the
595 widows, who thus remained in the hands of the old men.
582 Because of their attitudes the old men monopolized most of the women. They established large harems for themselves, so that it was very difficult for the young men to find a woman to marry; they had to consider themselves lucky if their father provided them with a child.

582 Thus it was unheard of that a young man between twenty and
778 thirty years old should marry, except for a few instances where a man acquired a child who was to become his wife after a number of years. Men were usually forty years old or older before they married.

Nowadays the situation has changed entirely: the attitude of the old men favors the young much more and has become almost normal. The great majority of fathers, if they have the means, procure a wife for their sons as soon as the latter are old enough to express a desire for one. This improvement is due to the fact that it has become

595x 554 In little domestic quarrels, the bomɛtsa's children like to take advantage of the top rank occupied by their mother. Later, they will have the right to priority, before their brothers, in matters of inheritance and family authority.

596x 567 578 The children of slave women are loved by their father in the same way as their brothers and sisters. However, they are often the object of manifestations of contempt and humiliation on the part of others, especially verbal ones, but only when disputes arise. In particular, they have to submit to the insult of having it said [369] that they are without bonyangɔ, "a maternal clan." This is one of the most serious insults that can be inflicted by a Nkundɔ. Nevertheless, their father protects them as much as he can.

● [428] The child of a slave woman has no right to an inheritance. Clearly, he lacks for nothing. But he has no political rights, even if he is his father's first-born.

595x 567 The posterity of a slave are not considered as such in matrimonial matters, as we have pointed out in Chapter V, Article II. If the groups descended from free women are extinct, the rights of the clan are inherited by the posterity of a slave, to the exclusion of related clans whose ancestors were entirely free.

598x What is the effect of the system of polygamy on the birth rate? There has been much debate on this question for it is very difficult to answer. Complete statistics well compiled from detailed methodical lists would be necessary. For it is a fact that in many monogamous households the woman is the former wife of a polygamist and for that reason can no longer be counted as a monogamist's wife. In addition it would be necessary to exclude from monogamous households those women who did not marry until an advanced age, after having lived freely for a fairly long time, for example in the centers.

In my opinion the birth rate is endangered above all by the need for individual love and the difference in the ages of the spouses, which is inseparable from the system of polygamy as it now exists. The polygamist's wife instinctively seeks another

Therefore there is a very great difference between the consequences of divorce and of death. In divorce the bride price must be considered more or less like a deposit. In case of death, on the contrary, it remains permanently in the hands of those who have acquired it. This difference weakens the theory that maintains that the bride price is only a guarantee; rather, it tends to favor the theory that it is a compensation for the loss experienced by a clan when it gives one of its members in marriage. In case of divorce the clan's loss [443] is nullified, since the woman returns to her family or -- as is the usual outcome -- remarries and becomes the object of a new bride-price payment. The death of a woman, on the other hand, makes the clan's loss permanent rather than bringing an end to it. This does not mean that the bride price does not constitute a guarantee; in reality it is one. But this guarantee is an effect of the bride price, not the reason for its existence -- which is something altogether different.

2. Inheritance from the husband

Since we are not dealing with Nkundó property laws, the question of inheritance is not, strictly speaking, within the realm of our study. Nevertheless, we cannot refrain from saying a word about it, since the study of marriage must naturally contain a chapter on children. Thus we shall examine the question from that particular angle. What interests us here is knowing what rights children have over their father's inheritance. We have already dealt with the position of the widow in the preceding article.

The inheritance from the deceased includes three parts:

1) The bride-price valuables, that is, everything that is used chiefly to obtain a wife: copper and brass rings, iron objects, widows and daughters insofar as they represent bride-price valuables.

2) Domestic animals: goats, dogs, hens, ducks.

3) Real property: fruit trees, fields and crops, hunting enclosures, fishing places; and personal property: nets, hunting snares, bows and arrows, shields.

The bride-price valuables become the common property of the close relatives. Each one receives his share of the inheritance.

The widows are awarded to the brothers, uncles, and nephews (bǐnaankánú) of the deceased, in accordance with their position in the group hierarchy and their respective rights, [444] which may derive from financial assistance lent to the deceased so that he could obtain one of his wives, or from the application of the nkita system. Rings (bakonga) and iron objects (bǐfeko) are distributed in the same manner. Similarly, unmarried daughters are assigned to various relatives -- that is, the "fathers" who preside at the division of the inheritance discuss and specify which persons have the right to receive the bride prices that will later be paid for them. Of the sons only the eldest receives a wife or a certain amount of bride-price valuables as bondlo. (1)

1. Chapter III, Article III.

That is the traditional rule. Nowadays a far-reaching change has already taken place. The sons of the deceased are no longer excluded from the distribution. They are given either a wife, or a sufficient quantity of rings, or the right to the bride price of a sister or a cousin, if it is possible. For the rest see Chapter II, Article IV, 3 and Article XI, 3, 13, and Chapter IV, Article II.

The domestic animals go to the bǐfinanyí, who take them home to their husbands and they are thus included in the amount of the dowry. A few goats, however, might be given to one of the men in the kin group who needs them to complete the payment of a bride price.

As to the other property (real or personal), they pass directly to the sons. The first born receives the lion's share and the most precious items, but the younger sons are not excluded in the distribution.

It should be noted that a will may affect this distribution by assigning a specific object to a given son, or by excluding one of the heirs with whom the deceased has had a serious quarrel. Such a will is always executed, because the Nkundó fear the vengeance of the deceased, who causes anyone guilty of an

infraction to follow him in death. It is obeyed even if [445] it is manifestly unfair. They fear reprisal by the deceased, such as that which is thought to have happened after the death of Iloko in Tshekele of Lofelf. He had killed his own brother, Mpénda dá nkotonkale, because the latter had tasted freshly brewed beer instead of leaving that honor to him -- an action which constituted an extremely serious offense. But since the punishment was out of all proportion to the act, the whole family united against the murderer, who was obliged to flee. At his death he disinherited all his brothers in favor of his sons. This will, considered unreasonable and unfair, was not respected; Iloko's only brother, Bondélé wá Wilima, took Bonyengé, the favorite, for himself. But he soon died, and his death was attributed to Iloko's vengeance. Several years ago the family met to finally settle the matter of the inheritance. The largest portion was set aside for Iloko's sons, but one part was awarded to other relatives who were not named in the excluding clause, which referred only to the Baséká Bankengé, that is, to Iloko's own brothers.

Sons are never disinherited. If one of them behaves very badly toward his father, when the latter dies he refuses him his benediction (bokako w'ótsi) and curses him bokako wá tu yɔ).

3. Inheritance from the wife

As we have seen in Chapter VI, Article II, a wife has no rights of ownership over the fruits of her own labors or of the couple's joint efforts. Consequently, her family can make no claims as regards inheritance; there is nothing to inherit.

Although all the fruits of the wife's activities belong to the husband, most men do not require that their rights be rigidly respected. They leave a part, or the whole, to the family of the [446] deceased, as is done in the case of a widow. (1) After the

1. See the previous article.

feast at the end of mourning, the two clans make an inventory of the property in question. Usually whatever products of her work the woman has left are divided equally between the two clans. Some

men are generous enough to renounce all of it. If the deceased had an ebísa, or if the parents-in-law give their son-in-law a substitute, the possessions fall to her. She even inherits the fields [culture] that have been set up by her kinswoman, to the extent that they have not been destroyed. Under other circumstances the cultivated lands [plantations] are never left to the family of the deceased.

The only items to which a woman is entitled strictly speaking are the various portions of the bride price and similar payments awarded to her by Nkundó law: goats and spiral bands and the mother's gift as part of the bride price; the cloth and belt given at a funeral. At a wife's death these possessions pass to her clan, if she has not previously given them to her relatives. In no case may they be appropriated by the husband.

Finally, when a wife dies she may leave a tool (knife, hoe, etc.) to her daughter. This custom is observed particularly by very active women in order to inculcate their daughters with the love of work. Such an object often became an heirloom, transmitted from mother to daughter for several generations. It is called bonsílidjwé (from tsílola, "to leave to"; see the Latin reliquiae) or, among the Bombwanja, elílí. These terms are also applied to other objects included in the inheritance when these are considered separately (altogether they are called lokumu, "patrimony," "property," or lisangó, "inheritance"). Such a bonsílidjwé can never be appropriated by a husband. [447]

## Article VIII

### Death of the Fiancé Before the Payment of the Bride Price

Here we shall deal with the situation resulting from the death of a husband during the engagement, after the payment of the ikuká or the ndanga but before the wala. The procedure for dissolving an engagement may already lead us to suppose that death also breaks it without any special difficulties. And in fact, if the fiancé dies the woman is free. Therefore she may go home, and the family of the deceased is reimbursed for the payments that have been made.

Whereas with us the village inn is the place where the affairs of the week are noisily debated, it is at the smithy where the Mongo Negroes congregate. There the elders gather -- the younger men have no voice here; there the various differences about (or among) wives and the impending taxes are discussed; amidst the billows of smoke -- drawn with deep puffs out of their huge bamboo pipes -- the smith is the only one who works on and earns his living nobly.

The smith is the most judicious craftsman among the Mongo Negroes.

His trade is practically the only one which is a family affair and is passed on from father to son. If a smith does not have any children, the business is taken over by his younger brother.

This right of inheritance is by no means general in the other trades; the trade of the smith is inherited while the others are taken up by any Tom, Dick, or Harry who happens to have a liking for them.

The smithy where the smith plies his trade is a wide oblong dark hut (about five meters by ten meters) built alongside the public highway. In contrast with the other dwellings of the Negroes, the floors of which are generally built about 20 centimeters above the road, the floor of the smithy is dug out from 30 to 70 centimeters below the level of the road so that one goes down a step from the road into the smithy.

The reason why the floor of the smithy should be dug out in this way is not quite clear to me, but most probably it is to prevent the danger of fire when the storm winds that accompany the heavy tropical rains sweep through the huts. By digging out the floor in this way, an earthen enclosure about half a meter high is formed around the smithy, and this protects the smith from the wind and enables him to continue quietly at work.

In spite of the primitiveness of his tools [95] and the primitive manipulation of them, the smith knows how to get what he needs from his implements. The forge (lotulu) is constructed as follows: a block of wood is cut about 60 centimeters long, 40 centimeters wide, and 30 centimeters high, with a hollow pipe, half a meter long, connected to it. This is all formed of one piece. With the aid of a banana stalk, on which the clay is moulded, a smith's pipe is formed. The banana stalk is removed from the clay, and the hollow pipe (boonge) remains. Two, sometimes four, bellows (njasa) are placed on the

583 to an old, worn-out, gray-haired man, it naturally often occurred that when she arrived at maturity, she no longer wished to remain with him. She therefore left him and went to another, or back to her family. In the latter case, however, great difficulties arose concerning the return of the bride price. Indeed, with the bride price the father had received for his daughter, he bought himself another wife. This wife was then called the Nkita of the daughter. We could translate Nkita in this case as "substitute." The Nkita represented the value of the sold or married daughter. Meanwhile, the daughter herself was often the Nkita of the daughter or sister of her husband. Thus, many women were the Nkita of each other. According to their customs the children (boys) were in theory the heirs of the Nkita of their mother. The Nkita was, in fact, the value or the bride price of their mother.

One might ask whether the wife was then always content that she was, so to speak, an object of trade. In general, yes, she was satisfied with this. This is how the customs were, and nobody gave a thought to changing them. Usually the wife simply found herself in an arranged situation (fait accompli). Gradually a certain sense of honor is coming into being among the Christian wives against these heathen customs.

If the woman desired that a large bride price or purchase price be paid for her, was it also because she wished to care for the future of her children who would be heirs of her bride price? No, they say, not for that reason -- for, they add, what woman knew in advance that she would have children, and moreover boys? There [163] are, in fact, many women who have no children. Also, [536] only 583 the boys are eligible for the inheritance; the girls are heirs only in 628 name. When it came to the inheritance, the children inherited the 587 Nkita of their mother only if there were no more brothers of the mother or uncles on their father's side. The mightiest always had the greatest right.

Usually a youth had to acquire a wife with the bride price or supplement of the bride price of his sister. The inheritance of the Nkita of his mother was only secondary. Still we often see a heathen wife leave her husband in order to go to another, without bothering much about her children who remain with the deserted husband, their father.

Everywhere there were also abducted women and female slaves; these were simply sold. Furthermore women were bought and sold with women [as payment]. Also women who were inherited and no longer in the hands of their family were sold by their second, third, or other subsequent husband. In all of these cases, the family no longer came into consideration for the bride price. One would have to stretch the point in order to consider the sums paid in these cases as a bride price, and consequently as a native custom which one must respect.

Or one should have to assume that such a native woman remains a "bride" for her whole lifetime. It will be said that the woman consented to her sale by one man to the other.

Often this was indeed the case, but not always by any means, for children and slaves were also sold. Even the consent of the woman did not prevent it from being a sale; her consent was rather an extra transaction that simplified the sale of a human article of trade. It still remains woman trade.

The Inheritance. Upon the death of a polygynist, the burial ceremony was conducted according to the class and rank of the deceased. One or two or several [539] slaves were killed and buried with the polygynist in the same grave. Sometimes the arms and legs of those male and female slaves were broken, and then they were buried alive in the same grave with the body.

When these slaves still had family, it might happen that the family members, having learned of the unfortunate lot of their relative, would hasten from faraway districts to buy him or her free if it was not yet too late. Several Negroes have told us of those heartbreaking scenes at which they were present as children. The mourning and the lamenting over the dead lasted from a week to a month.

The eldest son immediately succeeded his father in position and immediately took one of the wives of his father.

The other sons divided among them the lances and knives of their father.

If the deceased had left no son, or if he was still too young, the oldest brother succeeded the deceased. All of the wives had to remain in their own home, except the wife who was immediately taken by the eldest son. They were obliged to await the day of the distribution. This day was put off for from one to four months.

Meanwhile, these wives were subjected to a certain discipline. They were called Bituka, which we translate here as "widow." During this time they were allowed to speak with the relatives of the deceased, but they had to remain at home; it was not permitted for anyone to take these wives.

When the time came for the distribution, the one in charge, namely, the son or the brother of the deceased, called together the heirs and parties concerned. On the day of the distribution, in the morning before dawn, the bituka left their dwelling place and went to the man with whom they had already come to an agreement, so that by daybreak all the huts of the bituka stood empty. Each of the wives of the polygynist usually has her own hut. At the appointed hour, the meeting was announced by the usual beating of the tomtom. The wives, the heirs, and all parties concerned then came together.

If there were many wives to distribute, the order of distribution was as follows: in the first place the brothers of the deceased received their share; in the second [540] place came the sons; and in the third place, the grandsons, that is, the sons of the daughters who received their share from the Nkita of their mother. If at this time the wife did not want to go with the man for whom she was designated, she was sold to another. Sometimes the family of the wife was not satisfied with that, and if they could, they gave the bride price back in order thereby to free their daughter or sister. Such a wife then came back to her family, where, however, she was again married in return for another bride price. The family acted thus to prevent its daughter or sister from simply being sold. When the grandsons were still too young, their share of the Nkita of their mother went to their uncle, the son of the deceased. The latter had then to provide a wife for them later, which he usually never did without making a great deal of trouble. If the daughters had no sons who could inherit their Nkita, they received some of the father's personal property as inheritance: goats, dogs, lances, knives, proas, etc. If the deceased had left a daughter but no sons or brothers, the daughter had to supervise the distribution of the inheritance.

Our civilized idea that the wife, the mother of the family, is the first heir, is thus not taken into consideration there. Indeed, the wife, the mother herself, is inherited if she is not too old.

000 What is one to do if even in such cases it is taught, "One must respect" the native customs?

587 428 [184] The inheriting of wives existed everywhere; it was, in fact, the only wealth left behind by the native. The details of the distribution differed according to district or tribe. Thus, for instance, in some districts it was the eldest son who alone inherited all of the wives of his father. This was in order to preserve the rank and the class of the family. Prestige and power actually depended only on the number of wives that one possessed. In this case, however, this eldest son had, in place of his father, to provide a wife for his younger brothers and the sons of his sisters. As far as impediments [582] to marriage were concerned, generally they strictly observed the impediment of blood relationship; two blood relatives, even in a distant degree, should never enter into marriage, [541] with the exception of the irregularities mentioned above. As for relatives by marriage, these do not exist for them in any degree. There is, nevertheless, one case that somewhat resembles relationship by marriage, namely, the Nkita might never be in the home of a man together with the woman whose Nkita she was. Thus, the son-in-law or the brother-in-law might never take the Nkita of his wife into his home. If, however, the wife had left or died, there was no further impediment.

587 428 431 When, like the inheritance above, the family had returned the bride price and had then married the woman to another man, this second husband also had to give a gift to the one who, according to the law of inheritance, had the right to the wife. This gift was called a bampanga.

587 428 If the wife who was freed by the family had children, only a part of the bride price had to be returned. Sometimes the wife was freed completely through her children. The children then remained with the family of the deceased husband, and they then represented the value of the bride price of their mother. If, however, such a woman was married again by her family, they demanded a second bride price for that.

587 428 583 Sometimes a single woman was the Nkita of several other women. In the inheritance several people then had a right over her, and everyone demanded his share. For instance, a young man

587 had to acquire a wife with the bride price or with a supplement of
428 the bride price of his sisters. Three of his sisters, for instance, were
583 married, and he needed 3,000 mitako to pay for his intended wife. Now he went with presents to his three brothers-in-law and asked for 1,000 mitako from each of them. The bride price was already paid to the father; the 1,000 mitako that he asks are a supplement of the bride price.

With these 3,000 mitako, our young man pays for his wife. This wife now becomes the Nkita of the three sisters. If this young man dies, his three sisters and his three brothers-in-law all demand their share back from the widow. If she is sold, the price must be divided among the three brothers-in-law. If she remains in the family of her husband, with the uncle or brother, she continues to be the Nkita of her three sisters-in-law.

431 [542] There also exists a general rule and custom that the
583 family which has received the bride price regularly give gifts to their daughter and son-in-law or sister and brother-in-law. These gifts consisted of goats, dogs (which also have a rather large value among the natives), ducks, etc., but the gifts never consisted of money. These gifts were in turn given by the son-in-law or brother-in-law to the one who had helped him pay the bride price.

For instance, if the young man of whom we just spoke received gifts from the family of his wife, he would then have given these gifts to his three brothers-in-law. These gifts were often so much that the value of them was almost equal to the bride price that the man had paid for his wife. Custom demanded, in such a case, that the man then pay a supplement to the bride price.

In case the bride price had to be given back, the gifts that the family had already given might be subtracted from the bride price. When such disputes are brought before a European, it is difficult for him to settle them, for the value is tremendously exaggerated by the parties. The husband will demand the return of a much larger bride price than he actually gave, while the family on its side will estimate the gifts that they had given as much higher than the actual value or amount.

436 Something about prices, the bride price for wives, and native money value.

Their first original money was as follows.

000 [547] Unfortunately the system was not continued. Also, it must not be said that it would be unjust to lower the price of the women. Rather, injustice would thus be redressed, a degenerate custom be improved. Through the present system, ever more injustice is committed and suffered.

583 595 A few polygynists would suffer some material loss through the lowering of the price of the women, namely, by receiving less for one woman than they (sometimes) paid for them, for they inherited most of the women. But they are also the ones who are responsible for the irregular situation. In a large part of the district, the polygynists are by far the minority of the population. They are the ones who are hostile to the Colonial Administration. They are in possession of the women and have a monopoly on them. They fix prices which a young man can almost never pay, namely, two nkesi at least.

583 The difficulties for Christian marriages become daily still more difficult. This is true for the marriages already entered into and for the future marriages.

583 428 426 [465 511] The bride price to be paid for the wife ought to be such that every young man can pay that sum with his own money, with the money that he has earned himself by his work. This sum cannot be high, for the ordinary working man in the Congo, who makes up the large part of the population, does not earn much more than what he needs for board and clothing. Therefore to pay an excessively large sum as a bride price forces him to borrow and to run up debts among his relatives and friends. The result of this is that the system of the Nkita goes over unnoticed into the Christian marriages, and the woman remains an object for inheritance. Indeed, when the man dies the creditors will come, namely, those who have loaned him money -- and demand the wife. The disputes over the bride price then begin anew, and they will again give the wife in marriage in return for a new bride price. Thus, there is no end to it. The wife, the mother, will never achieve any rights but will always remain an object of inheritance. There has been talk about declaring the widow free at the death of her husband in order to prevent the inheriting of wives, but how will it be possible to [548] achieve that if the bride price is not lessened, considerably lessened? When a

583 young man can pay for his wife, or rather pay her bride price with
428 his own earned money, then that wife becomes his property. At
426 his death, no creditors or mortgage holders can come to demand the wife since she will then actually be free. There will also be no difficulty in making her heir to the property of her husband, for herself and her children. The bride price or payment for wives among the civilized Blacks could be very much simplified. To abolish it would not be so easy. Indeed, it seems to be in the customs and the habits of the whole Black race. Then too, with respect to bride price, usually still in entanglements with their heathen relatives.

The bride price, as it exists among the heathens, will always remain a source of difficulties for civilization and a support for polygyny.

000 When the price is lowered, the large number of wives of polygynists will be seen to disperse and go to the men who have no wife. Thus, single marriages will be increased, and the district, whose population is greatly decreased, will become populated again. Lowering the price will also prevent women being paid for with women; and thus the trading of women will be hindered, since then the whole bride price can be paid in currency. It is also anticipated that the woman will become less a material object; and by changing the wife from an object of inheritance to an heiress, her moral value will be raised in her own eyes and in the eyes of the men.

In order to civilize the land, Christian marriages must be established. In order to establish Christian marriages, the impediments that stand in the way must be removed, and everything be put to work to benefit what the good outcome of that can assure.

[549] Family Nomenclature

601

| The name of: | is given to: |
|---|---|
| Ise, father | one's own father<br>brothers of the father<br>sons and grandsons of father's sisters |